

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

THOMAS BURLINGTON	:	
	:	CIVIL ACTION
v.	:	
	:	NO. 09-1908
NEWS CORPORATION, ET AL.	:	

**ORDER**

**AND NOW**, this 27<sup>th</sup> day of May, 2015, upon consideration of various *Motions in Limine* filed by Plaintiff (ECF Nos. 33, 34, 35, 84, 85, 86) and by Defendants (ECF Nos. 37, 38, 39, 87, 88, 89), and all documents submitted in support thereof, and in opposition thereto, it is **ORDERED** as follows:

1. Defendants' Motion *in Limine* To Exclude References To Racial Bias of Non-Supervisory Co-Workers Or Reliance On The "Cat's Paw" Theory Of Liability (ECF No. 89), is **DENIED**.
2. Defendants' Motion *in Limine* To Exclude Any References To The Use Of The Word "N-GG-R" By Non-Similarly Situated Employee John Jervay (ECF No. 88), is **DENIED**.
3. Defendants' Motion *in Limine* to Exclude Any Reference To The Alleged Use Of The Word "N-gg-r" By Non-Similarly Situated Employee Joyce Evans (ECF No. 87), is **DENIED**.

4. Plaintiff's Motion *in Limine* to Exclude February 9, 2009 EEOC Determination (ECF Nos. 33, 85), is **GRANTED**.
5. Defendants' Motion *in Limine* To Preclude Testimony Regarding Plaintiff's Claim for Damages (ECF No. 39), is **DENIED**.
6. Defendants' Motion *in Limine* To Preclude Testimony Of Steve Dickstein, Steve Sheinen And Bethann Jacobski (ECF No. 38), is **DENIED**.
7. Defendants' Motion *in Limine* To Exclude Any References To A Lawsuit Filed Seven Years Ago By Richard Noonan Against Fox Television Stations of Philadelphia, Inc. And The Alleged Use Of The Word "N-gg-r" Years Ago By A Non-Similarly Situated Former Employee, David Huddleston (ECF No. 37), is **GRANTED** in part, and **DENIED** in part, as follows:
  - A. Defendants' request to exclude references to David Huddleston's use of the word "n-gg-r" is **DENIED**.
  - B. Defendants' request to exclude reference to the Noonan action is **GRANTED** in part, and **DENIED** in part. Plaintiff is permitted to introduce into evidence Joyce Evans's testimony from the Noonan action, in which she discusses her comments to management about the racial composition of the news team. Plaintiff will not be permitted to offer any other evidence regarding the Noonan action at trial.

8. Plaintiff's Motion *in Limine* to Exclude Evidence Of His Termination from WHTM in 1999 And 2003 Lawsuit against WHTM (ECF Nos. 34, 35, 84), will be **GRANTED**.

9. Plaintiff's Motion *in Limine* To Preclude Evidence Of Plaintiff's Lawsuit Against Daily News (ECF No. 86), will be **DENIED**, in accordance with the accompanying Memorandum.

**IT IS SO ORDERED.**

**BY THE COURT:**

A handwritten signature in dark ink, appearing to read 'R. Surrick', is written over a light gray circular stamp.

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**R. BARCLAY SURRICK, J.**